

<b>Notice of Allowability</b>	Application No.	Applicant(s)
	10/760,418	AKAMI ET AL.
	Examiner	Art Unit

Erica E Cadugan

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to amendment filed 3/21/05 and interview of 04/07/05.
2.  The allowed claim(s) is/are 40-42.
3.  The drawings filed on 21 January 2004 are accepted by the Examiner.
4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a)  All
  - b)  Some\*
  - c)  None
 of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. 09/889,318.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.
  - (b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

#### Attachment(s)

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application (PTO-152)
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
2. Authorization for the examiner's amendment to the claims (only) was given in a telephone interview with Michael D. White on April 7, 2005.
3. The claims have been amended as follows:

Claim 40 (Currently Amended). A method for manufacturing a plurality of bent products in a bending press system provided with:

a bending press that has at least one bending station to mount a plurality of divided tools each having a tool type and;

tool housing devices to house the divided tools for the bending press and;

tool exchange devices to move the divided tools between the tool housing devices and the at least one bending station; the method comprising;

a step to store each divided tool on the at least one bending station and housed in the housing devices and housed in a tool magazine outside the bending press in [the] a first memory means;

a step to determine the tool type of the divided tools to be arranged on the at least one bending station and the length of the station on basis of [the] a bending line length of a respective one of the bent [part] products, and a flange length and bending angle of the one bent product; and

a step to prepare data of an order of production in order to manufacture the bent products that use tools mounted on the at least one bending [stations] station or tools housed in the tool housing devices before manufacturing bent products that use tools housed in [a] the tool magazine provided outside the bending press.

Claim 42 (Currently Amended). A method according to claim 40, further comprising a step to determine the arrangement of each divided tool on the at least one bending station, based on the tool type of the divided tools arranged on the at least one bending station and [a] the length of the at least one bending station.

The first sentence of the specification has been amended as follows without Applicant's authorization, and an explanation for such amendment can be found below under the heading "Priority":

The present application is a continuation of Application Serial No. 10/288,369 filed November 6, 2002, now U.S. Patent No. 6,780,145[; ~~which is a divisional of Serial No. 09/889,318, filed January 13, 2001, now U.S. Patent No. 6,656,099, which is a 35 USC § 371 national stage application of PCT/JP00/0134, filed January 13, 2000, which claims foreign priority to JP11-6914, filed January 13, 1999].~~

4. The following is an examiner's statement of reasons for allowance: Examiner agrees with Applicant that none of the applied references teach the claimed method "step to prepare data of an order of production in order to manufacture the bent products that use tools mounted on the at least one bending station or tools housed in the tool housing devices before manufacturing bent products that use tools housed in the tool magazine provided outside the bending press". The applied prior art being representative of the closest prior art of record to the

present invention as set forth in the independent claim, and there being no other combinable teaching in the prior art of record that would reasonably motivate one having ordinary skill in the art to so modify the teachings of the applied prior art, thus, the prior art of record neither anticipates nor renders obvious the present invention as set forth in independent claim.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

*Priority*

5. It is noted that Applicant attempted to establish a chain of priority back to the Japanese application filed on January 13, 1999 via the amendment to the specification set forth on page 2 of the amendment filed March 21, 2005. However, it is noted that this priority claim (amendment to the specification) is not proper since it was not made within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application (See 37 CFR 1.78(a)(2)(ii) and (a)(5)(ii)), nor is it accompanied by a grantable petition to accept an unintentionally delayed claim for priority under 35 U.S.C. 119(e), 120, 121 and 365(c). Such a petition must be accompanied by (1) the reference required by 35 U.S.C. 120 or 119(e) and 37 CFR 1.78(a)(2) or (a)(5) to the prior application (unless previously submitted), (2) a surcharge under 37 CFR 1.17(t), and (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Director may require additional information where there is a question

whether the delay was unintentional. The petition should be addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

As noted in the previous office action, even though no proper benefit and/or priority claim had been made in the case, the office recognized, as evidenced by the filing receipt, that the present application is a continuation of U.S. 10/288,369, filed 11/6/2002. Thus, since the filing receipt set forth that the present application is a continuation of U.S. 10/288,369, filed 11/6/2002, a benefit claim may be asserted by the applicant to this application (the '369 application and only the '369 application) without any petition and fee (MPEP 201.11).

It is noted that the office did not recognize any benefit claim to the grandparent application 09/889,318, for example, and thus, a grantable petition (including the petition fee) as described above, must be made in order for Applicant to receive benefit of the grandparent application, and must reference the PCT, in order to establish a proper chain of priority back to the Japanese application filed 1/13/2000.

Examiner has thus amended the first sentence of the specification (as set forth in the amendment of March 21, 2005) to read “[T]he present application is a continuation of Application Serial No. 10/288,369 filed November 6, 2002, now U.S. Patent No. 6,780,145”, as described above.

It is noted that Applicant may let the present case issue with the priority matter as it stands if desired, noting that the earliest date of which Applicant would receive benefit would then be the filing date of the U.S. 10/288,369 case of November 6, 2002.

6. Re the Japanese application, acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(a)-(d) based upon an application filed in Japan on January 13, 1999.

However, a claim for priority under 35 U.S.C. 119(a)-(d) cannot be based on said application, since the United States application was filed more than twelve months thereafter.

Further note that if applicant desires priority under 35 U.S.C. 120 based upon other previously filed application(s) (i.e., to try to get the chain of priority to go back to the aforementioned Japanese patent application by asserting that the present application is a continuation of 10/288,369, which is a divisional of 09/889,318, now U.S. Pat. No. \_\_\_\_\_, filed 7/13/01, which is a national stage application under 371 of PCT/JP00/00134, filed 1/13/2000, which claims foreign priority to JP 11-6914, filed 1/13/1999), specific reference to the earlier filed applications to which a priority claim is desired to be made must be made in the instant application. For benefit claims under 35 U.S.C. 120, 121 or 365(c), the reference must include the relationship (i.e., continuation, divisional, or continuation-in-part) of the applications. This should appear as the first sentence of the specification following the title, preferably as a separate paragraph unless it appears in an application data sheet. The status of nonprovisional parent application(s) (whether patented or abandoned) should also be included. If a parent application has become a patent, the expression "now Patent No. \_\_\_\_\_" should follow the filing date of the parent application. If a parent application has become abandoned, the expression "now abandoned" should follow the filing date of the parent application.

If the application is a utility or plant application filed under 35 U.S.C. 111(a) on or after November 29, 2000, the specific reference must be submitted during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. If the application is a utility or plant application which entered the national stage from an international application filed on or after

November 29, 2000, after compliance with 35 U.S.C. 371, the specific reference must be submitted during the pendency of the application and within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371(b) or (f) or sixteen months from the filing date of the prior application. See 37 CFR 1.78(a)(2)(ii) and (a)(5)(ii). This time period is not extendable and a failure to submit the reference required by 35 U.S.C. 119(e) and/or 120, where applicable, within this time period is considered a waiver of any benefit of such prior application(s) under 35 U.S.C. 119(e), 120, 121 and 365(c). **A priority claim filed after the required time period may be accepted if it is accompanied by a grantable petition to accept an unintentionally delayed claim for priority under 35 U.S.C. 119(e), 120, 121 and 365(c).** The petition must be accompanied by (1) the reference required by 35 U.S.C. 120 or 119(e) and 37 CFR 1.78(a)(2) or (a)(5) to the prior application (unless previously submitted), (2) a surcharge under 37 CFR 1.17(t), and (3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) or (a)(5) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional. The petition should be addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

*Conclusion*

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erica E Cadigan whose telephone number is (571) 272-4474. The examiner can normally be reached on M-F, 7:30 a.m. to 5:00 p.m., alternate Fridays off.

Art Unit: 3722

8. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris H. Banks can be reached on (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Erica E Cadigan  
Primary Examiner  
Art Unit 3722

ee<sup>c</sup>  
April 7, 2005